

MAINE STATE LEGISLATURE

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L.D. 468

DATE: 3-24-05

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "Z" to COMMITTEE AMENDMENT "A" to H.P. 343, L.D. 468, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007"

Amend the amendment in Part AAA by striking out all of sections 1, 2 and 3 and inserting in their place the following:

Sec. AAA-1. 29-A MRSA §2081, sub-§2, as amended by PL 2001, c. 585, §2 and affected by §6, is further amended to read:

2. **Children under 40 pounds.** When a child who weighs less than 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

Sec. AAA-2. 29-A MRSA §2081, sub-§3, as amended by PL 2003, c. 380, §§2 and 3 and affected by §5, is further amended to read:

3. **Passengers less than 18 years of age.** Except as provided in subsection 2, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be

2 equipped with seat belts. Violation of this subsection is a
3 traffic infraction for which a fine of \$50 for the first offense,
4 \$125 for the 2nd offense and \$250 for the 3rd and subsequent
5 offenses must be imposed. A fine imposed under this subsection
6 may not be suspended by the court.

7
8 A. The operator shall ensure that a child who weighs at
9 least 40 pounds but less than 80 pounds and who is less than
10 8 years of age is properly secured in a federally approved
11 child restraint system. Nonprofit, municipal or contracted
12 transportation service providers are exempt from this
13 paragraph until February 1, 2005, except that the operator
14 shall ensure that the child is properly secured in a seat
15 belt.

16 B. The operator shall ensure that a child who is less than
17 18 years of age and at least 8 years of age or who is less
18 than 18 years of age and more than 4 feet, 7 inches in
19 height is properly secured in a seat belt.

20 C. The operator shall ensure that a child who is less than
21 12 years of age and who weighs less than 100 pounds is
22 properly secured in the rear seat of a vehicle, if possible.

23 **Sec. AAA-3. 29-A MRSA §2081, sub-§3-A, as amended by PL 1997,**
24 **c. 450, §2, is further amended to read:**

25 **3-A. Other passengers 18 years of age and older;**
26 **operators.** When a person 18 years of age or older is a passenger
27 in a vehicle that is required by the United States Department of
28 Transportation to be equipped with seat belts, the passenger must
29 be properly secured in a seat belt. Each such passenger is
30 responsible for wearing a seat belt as required by this
31 subsection, and a passenger that fails to wear a seat belt as
32 required by this subsection is subject to the enforcement
33 provisions of subsection 4. The operator of a vehicle that is
34 required by the United States Department of Transportation to be
35 equipped with seat belts must be secured in the operator's seat
36 belt. Violation of this subsection is a traffic infraction for
37 which a fine of \$50 for the first offense, \$125 for the 2nd
38 offense and \$250 for the 3rd and subsequent offenses must be
39 imposed. A fine imposed under this subsection may not be
40 suspended by the court.'

41
42 Further amend the amendment in Part III by striking out all
43 of section 40.

44
45 Further amend the amendment in Part III in section 47 in the
46 first line (page 361, line 7 in amendment) by inserting after the
47 following: "permit;" the following: 'nonmotorized watercraft
48 stickers;'

2 Further amend the amendment in Part III in section 47 by
4 inserting at the end a new paragraph to read:

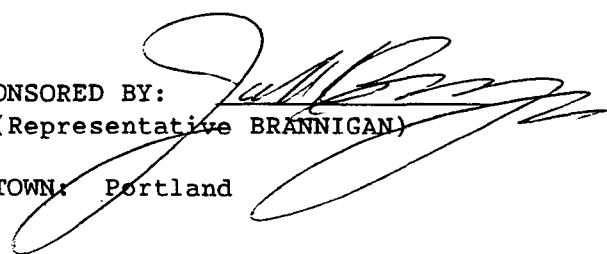
6 'The commissioners shall conduct a study to determine the
8 benefits, effectiveness and disadvantages of issuing stickers to
10 and imposing a fee on nonmotorized watercraft. The commissioners
12 shall submit their recommendations to the Second Regular Session
14 of the 122nd Legislature.'

16 Further amend the amendment by relettering or renumbering
18 any nonconsecutive Part letter or section number to read
20 consecutively.

16 SUMMARY

18 This amendment removes the provision that imposes a \$10 fee
20 on nonmotorized watercraft such as rowboats, canoes and kayaks.
22 The amendment also changes the fines for failure to wear a seat
24 belt or to properly secure a child in a vehicle from a minimum
26 and maximum fine to a fine of \$50 for the first offense, \$125 for
28 the 2nd offense and \$250 for a 3rd or subsequent offense. The
amendment also requires the Commissioner of Inland Fisheries and
Wildlife and the Commissioner of Conservation to study the issue
of fees and stickers for nonmotorized watercraft and to submit
their recommendations to the Second Regular Session of the 122nd
Legislature.

30 FISCAL NOTE REQUIRED 32 (See attached)

34
36 SPONSORED BY: 
38 (Representative BRANNIGAN)

40 TOWN: Portland



122nd MAINE LEGISLATURE

LD 468

LR 2149(71)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

Fiscal Note for House Amendment " " to Committee Amendment " "

Sponsor: Rep. Brannigan

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07
Net Cost (Savings)		
General Fund	\$1,367,999	\$2,062,999
Revenue		
General Fund	(\$1,367,999)	(\$2,062,999)

Fiscal Detail and Notes

This amendment will increase the General Fund cost of the bill by \$1,367,999 in fiscal year 2005-06 and \$2,062,999 in fiscal year 2006-07. Based on the estimated year-end balances, this amendment maintains a balanced budget for the 2006-2007 biennium.